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## Report of the Ad Hoc Advisory Group on Haiti

*Summary*

The present report highlights the main findings of the Economic and Social Council Ad Hoc Advisory Group on Haiti following its visit to Haiti and other meetings with the country's development partners. The report describes the encouraging progress observed in the reconstruction and recovery process in Haiti as well as on the political and rule of law fronts. It also stresses that these positive steps will be insufficient if additional and sustained efforts are not made by all Haitian actors, supported by their international partners. While Haiti may be undergoing a process of normalization, the weakness of public institutions, widespread poverty, multiple vulnerabilities and a long history of political instability advocate for Haiti to remain high on the international agenda, with appropriate levels of support. The report includes recommendations addressed to the Haitian authorities and their development partners on how such continued support can be provided so as to take advantage of progress already made and to lead them to a sustainable development path which the Haitian people deeply need and deserve.

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# I. Introduction

1. The present report is the eighth submitted by the Ad Hoc Advisory Group on Haiti since its reactivation by the Economic and Social Council (see resolution 2004/52) following a request by the Government of Haiti. The Group had originally been established in 1999 to help coordinate the development of a long-term programme of support for the country.

### Mandate and composition of the Group

2. In accordance with Council decisions 2004/322, 2009/211, 2009/267, 2011/207 and 2011/211, the Group is composed of the Permanent Representatives of the Bahamas, Benin, Brazil, Canada, Chile, El Salvador, France, Haiti, Peru, Spain and Trinidad and Tobago to the United Nations and the United States Representative to the Council. Since November 2004 the Group has been chaired by the Permanent Representative of Canada to the United Nations. As stipulated in decision 2004/322, the President of the Economic and Social Council and the Special Representative of the Secretary-General for Haiti are invited to take part in the meetings of the Group.

3. In its resolution 2010/28, the Economic and Social Council decided to extend the mandate of the Ad Hoc Advisory Group on Haiti until its substantive session of 2012 with a view to closely following and providing advice on Haiti's long-term development strategy to promote post-disaster socioeconomic recovery, stability and reconstruction, with particular attention to the need to ensure coherence and sustainability in international support for Haiti, based on the long-term national development priorities, as contained in the Government's Action Plan for the Reconstruction and National Development of Haiti, and stressed the need to avoid overlap and duplication with respect to existing mechanisms. In its decision 2011/268, the Council requested the Group to report on its activities in support of the recovery, reconstruction and development of the country, with recommendations, as appropriate, to the Council at its substantive session of 2012.

### Outline of the activities of the Group

4. While most of the conclusions in the present report are based on the visit of the Group to Haiti from 21 to 24 May 2012, the Group's preliminary meetings with the Special Representative of the Secretary-General for Haiti and head of the United Nations Stabilization Mission in Haiti (MINUSTAH), Mariano Fernández, the Deputy Special Representative of the Secretary-General and Resident Coordinator, Nigel Fisher, and the Representative of the World Food Programme (WFP) in Haiti also provided important information and analysis that facilitated the preparation of the report.

5. The visit of the Group took place a week after the ratification by the Parliament of the new Government, led by the Prime Minister, Laurent Lamothe. This appointment put an end to the power vacuum left by the resignation of the former Prime Minister, Garry Conille, in February 2012 after four months in office. Earlier in the year, disputes between the executive and the legislative branches of the Government had contributed to a tense environment and hampered development support to the country. While the Group followed these political developments, the absence of regular authorities at key levels of the Government made its work difficult at times. The formation of a Government in May allowed the Group to

re-engage with Haitian leaders and evaluate the situation and prospects for development.

6. The Group recognizes that the Haitian population continues to face serious challenges. However, the Group witnessed progress in the recovery from the January 2010 earthquake, despite an environment marked by serious problems and threats, including the hurricane seasons, the presence of cholera, political uncertainties and an international economic and aid context that has deteriorated.

7. Members of the Group wish to express their profound gratitude to the Haitian authorities, including the President, Michel Martelly, the Minister of Economy and Finance, Marie Carmelle Jean-Marie, the Minister of Planning and External Cooperation, Josepha Raymond Gauthier, and the Minister of Trade and Industry, Wilson Laleau, as well as parliamentarians for the open and constructive exchange. In addition, the Group is grateful to the Department of Economic and Social Affairs of the Secretariat for its constant and dedicated support for the work of the Group, to Mr. Fernández and Mr. Fisher and their able team, as well as the entire United Nations country team, for their excellent support during the visit. The programme of the Group (see annex) included numerous meetings with a broad range of national and international Government and civil society actors as well as a visit to Cap-Haïtien and Ouanaminthe.

## II. Continued need for strong and coherent development support to Haiti, in a changing environment

8. At the international donors conference, with the theme "Towards a new future for Haiti", in New York on 31 March 2010, donors pledged to provide $6.5 billion in aid for Haiti for activities between 2010 and 2012, including programme support of approximately $5.5 billion, and approximately $1 billion in debt relief. According to the Office of the United Nations Special Envoy for Haiti, donors had disbursed 45 per cent of those pledges (a total of $2.48 billion) by April 2012. In addition, donors have disbursed $760.5 million for recovery efforts through sources of funding other than the donors conference of 2010.

9. Two thirds of these funds were disbursed in 2010, one third in 2011 and a very limited amount in early 2012. It is of utmost importance to reverse the low rate of disbursement, to engage in disbursing the second half of the funds pledged in New York and to ensure that these are actually spent on the ground. The entry on duty of a new Government could facilitate a positive move in that direction.

### Need for continued humanitarian support

10. The above figures do not include humanitarian assistance, for which up to $3.5 billion were disbursed in 2010. While this figure testifies to an unprecedented wave of solidarity after the earthquake, humanitarian funding for 2012 remains insufficient. Of the $128 million requested in the humanitarian appeal for 2012, 37 per cent was funded at the time of reporting.

11. As at July 2012, 390,000 people still lived under tents. These are mostly chronically extremely poor people who have no access to basic housing. Beyond humanitarian concerns, this situation raises a deep development challenge. In addition to the deterioration of the living conditions in camps since the withdrawal

of many humanitarian actors, the risks inherent to the rainy and hurricane season and the cholera outbreaks that may occur as a result of contamination of water sources, call for increased vigilance.

12. In addition, it is estimated that 38 per cent of the Haitian population (i.e. 3.8 million persons) is in a situation of food insecurity, with 23 per cent of children of less than 5 years of age chronically undernourished. In spite of this situation, WFP is faced with a reduction in donor contributions for its operations and urgently needs funding to maintain its support programmes, including school feeding, until the end of 2012.

13. The Group wishes to relay these concerns to the donor community. A major humanitarian crisis, which could have destabilizing effects and jeopardize development gains, must be avoided. In addition, the Group encourages the United Nations to look at appropriate development mechanisms and forms of assistance, including through disaster preparedness, in order to address these ongoing problems that have chronic humanitarian consequences.

**Donor coordination**

14. A major recent development has been the end of the mandate of the Interim Haiti Reconstruction Commission on 21 October 2011. This has affected the decision-making process on the review and selection of priority recovery projects as well as donor coordination efforts, which the Commission allowed for at a high political level. As a consequence of the closure of the Commission, the Haiti Reconstruction Fund is currently unable to approve new funding allocations. However, the Government of Haiti is in the process of revising the Reconstruction Fund manual so that the Fund can be resumed. International organizations, particularly the United Nations country team, provided strong technical advice to the Commission and seconded experts. It is therefore important that the legacy of the Commission is not lost and that appropriate Haitian-led follow-up mechanisms be established in order to ensure the effectiveness of aid to Haiti.

15. In that respect, the Government of Haiti has worked with key development partners to set up a permanent and functional aid coordination architecture, composed of a strategic forum with key national and international actors, the revamping of sector coordination through the reinforcement of sector groups under the leadership of relevant ministries, and putting into operation an aid tracking system that is being set up by the Ministry of Planning with support from the United Nations Development Programme (UNDP). During the visit of the Group, the office of the Prime Minister announced its agreement with this new architecture, which will require strong support from international partners to reinforce Haitian capacities and leadership. The Group stresses the role of the United Nations country team, in particular UNDP, to support a coherent capacity-building strategy led by the Ministry of Planning in order to make these mechanisms operational. It is also important that the group of 12, which includes the 12 main international partners of Haiti, promote joint approaches among donors to State capacity-building.

**Support to and alignment with priorities of the Government**

16. The Group has repeatedly advocated for a good share of international support to be spent through the channels of the Government of Haiti so as to contribute to the strengthening of national capacities. Unfortunately, such an appeal has not been

widely heard, as only an estimated 16.4 per cent of all recovery funding has been disbursed to the Government using its systems, according to the Office of the United Nations Special Envoy. It is also estimated that multilateral agencies received a quarter of the funds and non-governmental organizations and other private contractors and providers close to 50 per cent. A total of $299.2 million has been disbursed to the Government by way of budget support, i.e. 9.2 per cent of total recovery funding. Special efforts should be made to balance these figures as the State apparatus of Haiti recovers from the destruction of the earthquake and is able to absorb more assistance. The Group welcomes the fact that the United Nations country team has made the strengthening of government capacities, including the increased use of national systems and mechanisms, as one of its priorities for 2012 as well as in the new United Nations integrated strategic framework for Haiti for the period 2013-2016.

17. The Minister of Planning of Haiti and senior staff from the Ministry presented the strategic plan for the development of Haiti to the Ad Hoc Group. This plan, which was prepared by the Ministry of Planning, aims at making Haiti an emerging country by 2030 and provides a planning, programming and management framework for development support to the country. Major thematic areas have been defined around a long-term vision and strategic orientations. Development partners are invited to provide support through the programmes and subprogrammes that have been identified for each thematic area so as to streamline aid processes. The United Nations country team already uses this framework for its support. The Group wishes to encourage all development partners and donors to follow this example.

18. Parliamentarians who met the Group during its visit also raised the need for international actors to enhance the role of the Haitian State in the formulation and implementation of assistance programmes, thereby avoiding parallel and fragmented processes. The view was expressed that with the new state of affairs in the relations between the Parliament and the Government with the new team in power, the time had come to promote active communication between the two powers and to facilitate productive working relationships.

19. The Group believes that this more constructive approach needs to be encouraged and calls upon development partners to provide appropriate financial and technical assistance to the Parliament to strengthen its capacity to perform its budgetary, legislative and other tasks adequately, including through specialized commissions. At this critical juncture, these efforts could contribute to increased transparency, inclusiveness and accountability in international support to the country. Such opportunities should not be missed.

**Mutual accountability**

20. The traditionally slow disbursement rates of international programmes in Haiti have derived from a persistent lack of trust between donors and the Haitian authorities, linked to political uncertainties and limited capacities to manage aid. The Group was informed that early in February 2012, discussions among the Government, then led by Mr. Conille, and the group of 12 had led to an emerging consensus on the need to jointly develop a pact of partnership and mutual accountability that would set out the responsibilities of all parties in the delivery and coordination of aid programmes.

21. The Ad Hoc Group strongly encourages the development of this pact which, in conjunction with the aid coordination architecture mentioned above, would create an enabling environment for the acceleration of donor disbursement and improved results. This is all the more important as the international context is marked by a slow down in international assistance with increased competition to attract support. While the Minister of Planning will lead the dialogue with development partners, the Group recognizes the role of the United Nations Resident Coordinator in facilitating this process and calls on all development partners to engage in it.

**Coordination within the United Nations system in a context of transition**

22. Composed of 20 resident organizations,[1] the United Nations presence in Haiti has increased its internal collaboration. The number of joint programmes went from one before the earthquake to a current portfolio of 11, for a total amount of $274 million, six of which are being funded through the Haiti Reconstruction Fund. The integrated strategic framework, first developed in 2010, was extended until December 2012. A new strategic framework for the period 2013-2016, which will integrate humanitarian, development and stabilization priorities in support of the Government's new plans, is expected to be completed in the near future and replaces the United Nations Development Assistance Framework. The new integrated strategic framework will address two important dimensions of the new context of transition, namely the commitment to increase the focus on and resources for strengthening Haitian institutions and the gradual consolidation and eventual draw-down of the presence of MINUSTAH based on conditions on the ground.

23. The Ad Hoc Group wishes to thank the United Nations country team for organizing an exhibition during its visit, where each organization showcased its activities in Haiti. This very informative and well-prepared event allowed the Group to have a comprehensive picture of the work of the country team, which covers different types of activity (such as reconstruction, community support projects and policy advice) in all the major areas of development. The Group also gained a better sense of cross-cutting issues and areas for joint programming within the system.

24. The strengthening of Haitian institutions implies exploring innovative ways of jointly facilitating the participation of local authorities and citizens in identifying priorities and making resources available. For example, a total of 835 staff (80 per cent Haitian and 20 per cent international) were seconded by the United Nations system to Government ministries and local authorities in 2011. However, some limitations have been encountered, such as the lack of resources to increase permanent United Nations presence at the departmental level and limited incentives and mechanisms for the United Nations to strengthen the Haitian private sector. The

[1] Food and Agriculture Organization of the United Nations, International Fund for Agricultural Development, International Labour Organization, International Monetary Fund, International Organization for Migration, Joint United Nations Programme on HIV/AIDS, Office for the Coordination of Humanitarian Affairs, Office of the United Nations High Commissioner for Human Rights, Office of the United Nations High Commissioner for Refugees, Pan American Health Organization/World Health Organization, United Nations Children's Fund, United Nations Development Programme, United Nations Educational, Scientific and Cultural Organization, United Nations Entity for Gender Equality and the Empowerment of Women, United Nations Environment Programme, United Nations Human Settlements Programme, United Nations Office for Project Services, United Nations Population Fund, World Bank and World Food Programme.

Group supports the efforts made by the country team to address these challenges and calls for appropriate backup by United Nations organizations to allow these field activities to be expanded.

25. The Resident Coordinator plays an important role in promoting and organizing such innovative joint activities. The Group therefore considers it important for the Resident Coordinator structures to be given the means needed to maintain these activities. This is all the more important in the context of the possible consolidation of MINUSTAH, which may result in the United Nations country team taking on more activities outside Port-au-Prince.

26. Relevant collaboration and integration activities between MINUSTAH and the country team have been put in place, such as a joint recovery workplan for key rule of law programmes. The collaboration between MINUSTAH and WFP on planning and joint operations for logistics and communications, focused on emergency preparedness and responses, also deserves to be praised. Increasing national capacities does not preclude the need for emergency humanitarian interventions in Haiti, given ongoing risks of natural disasters and other crises with detrimental effects on the already very vulnerable population. The Group therefore encourages that emergency programmes be designed in such a way as to work through and extend government structures, to the extent possible.

27. The Group was informed of the new mission concept that MINUSTAH is developing, which includes a set of benchmarks that will serve as a basis for a consolidation plan and a road map for a phased transfer of tasks to State institutions, beginning in low-risk departments and based on conditions on the ground. The Group encourages these steps in the right direction, and is aware of the fact that these can only produce results over a medium to long period of time given the structural weaknesses on the ground.

## III. Mobilizing Haitian stakeholders for development

28. Improved modalities for development support will produce results only if national stakeholders are on board and empowered to fully benefit from the assistance provided. The Group held meetings with different categories of actors so as to assess their role in the development process.

### Momentum for support to national priority sectors

29. The Group has reviewed the priority sectors identified for reconstruction and development by the Haitian authorities and salutes the consistency with which they have been promoted since its last visit, including in the general political statement by the Prime Minister to the Parliament of Haiti in May 2012. To the four categories identified by Mr. Martelly last year, namely education, employment, environment and the rule of law, which continue to be promoted as key areas for action, a fifth category has been added as a major component of the recovery programme, namely energy.

30. This is indeed a key dimension for the sustainable development of Haiti and a condition for improvement in the three pillars of sustainable development, in particular private sector development on the economic front, improved living conditions of disadvantaged populations on the social front, and addressing

environmental concerns, given the massive deforestation that prevails in the country (where forest cover is equivalent to less than 2 per cent of the land area).

31. In the field of education, the programme launched by Mr. Martelly aimed at massively increasing free universal education, has started to be implemented. Progress was reported to the Group, although this could not be documented by precise information on beneficiaries or the level of financial support provided. This raises the question of the monitoring and evaluation of programmes, in particular large-scale ones such as the education programme, and the need to adopt tools to direct the work and ensure accountability to local taxpayers and international donors. This relates to the reform of public administration, a major endeavour that the Government will have to embrace, with the support of its development partners, in order to deliver tangible results to benefit the population.

32. The creation of an apprenticeship university is planned, which would cover various fields (fishery, agriculture, masonry work, mechanics, etc.) in Port-au-Prince and each of the provinces to provide a trained workforce to economic actors. The employment part of the strategy of the President will largely depend on the capacity to unleash the potential of the private sector and allow for job creation, an area where momentum was also noted.

**Renewed prospects for the private sector**

33. The call for utilizing the private sector as a driving force for development is not new in Haiti. In 2009, a report was published in which a strategy for the rapid attainment of economic security, focused on the private sector, was proposed.[2] The same year, a Presidential Commission on Competitiveness was established by the President at the time, René Préval, with a view to enhancing entrepreneurship and wealth creation. The level of involvement of the new Haitian leadership in this area of the development strategy is particularly strong and supported by the fact that several ministers have a distinguished professional background in the private sector. The slogan of the Prime Minister, "Haiti is open to business", has become a motto of the authorities in power to attract investors, while the overall objective of the development strategy is to make Haiti an emerging country by 2030. The Group welcomes this aspiration and the willingness of the Government to act as a catalyst for private investment.

34. Integrated economic zones, with industrial parks and transport facilities, are one way of translating this vision into practice. The Group visited a free-trade zone near Ouanaminthe, in north-eastern Haiti, which employs 6,500 workers in the textile industry through a co-production business model developed by an industrial group from the Dominican Republic. There are plans to build another factory and a second training school for newly recruited workers. A similar park, located at Caracol, also in the Northern Department, is under construction, with a capacity to create jobs for 15,000 workers. Coordination in setting up this planned new facility with the existing Ouanaminthe free-trade zone would seem advisable to ensure that both projects provide sustainable benefits in terms of economic development.

[2] Paul Collier, "Haiti: From natural catastrophe to economic security", report prepared for the Secretary-General of the United Nations (Department of Economics, Oxford University, January 2009).

35. The granting of preferential treatment to Haitian products under the Haitian Hemispheric Opportunity through the Partnership Encouragement Act, enacted by the United States Congress, greatly contributes to this momentum. Through this legislation, garments "made in Haiti" have duty free entrance into the American market regardless of the origin of the yarns and fabrics used, which increasingly come from Asia, and can be finished in the Dominican Republic, while being shipped directly to the United States of America as "Haitian products".

36. These industrial parks represent an alternative to agricultural activity and an opportunity for employees to receive rather low but regular wages. While their contribution to job creation is limited (an estimated number of 50,000), they constitute an incentive to improve transport facilities and infrastructure in the area, as illustrated by the new road built between Ouanaminthe and Cap-Haïtien, financed by the European Union, and the planned construction of an international airport in Le Cap, thereby following up on recommendations made by the Presidential Commission on Competitiveness of 2009.

37. Representatives of the Haitian private sector with whom the Ad Hoc Group met during its visit, expressed some impatience vis-à-vis the lack of tangible improvement in the environment in which local business operates. The time has therefore come to implement the proposals that have been made since 2009 to encourage business operators to expand activities and effectively promote entrepreneurship among young people. This requires a wide range of administrative and other measures, including new arbitration mechanisms, improvement of local procurement procedures and an efficient insurance sector with appropriate regulations. Quick progress on some of these issues would give encouraging signals that change is on the way.

**Unleashing the potential of civil society in Port-au-Prince and the provinces**

38. One of the characteristics of Haiti is its vibrant civil society, which could be a strong asset for the development of the country. The Group was encouraged by progress made in the field of gender equality and the empowerment of women, an area where civil society groups have traditionally been very strong. The new Government has named women to 40 per cent of appointed positions. In the process of revising the Constitution, a quota of 30 per cent representation of women in public office has been passed, a request that women's groups have often presented to the Group in the past. The bill on responsible fatherhood, which was adopted by the lower Chamber in 2010, was finally adopted by the Senate in April this year. The new law provides a legal framework to hold fathers responsible for their children and improve the situation of families led by single mothers (47 per cent of Haitian families) who are often faced with tremendous economic difficulties. Such steps forward are a recognition of the relevance of the fight of Haitian women's groups and a source of hope for continued improvement of women's livelihoods. As previously advocated by the Group, other bills on the agenda of the Parliament related to the status of women, such as on domestic labour and the recognition of consensual unions, could also be examined as a matter of priority by the new legislature.

39. Most rural women continue to live in particularly precarious conditions. This calls for a mobilization in support of rural communities, which represent the majority of the Haitian population and whose agricultural production is essential for

the economy of the country. Interlocutors of the Group in the provinces, including the archbishop of Cap-Haïtien, expressed the view that the devastating earthquake of 2010 had focused attention on and support to the area of Port-au-Prince, to the detriment of the provinces, leading to a deterioration of living conditions there as well as a continuing lack of improvement in the overall security situation. While the need for decentralization was emphasized following the disaster, and advocated for by the Group, little tangible progress has been made to date. The recent holding of the Council of Ministers in the city of Cap-Haïtien, for the first time in the history of the country, is a welcome signal of the willingness of the new team in power to turn the chapter of the republic of Port-au-Prince and to engage in a broader and balanced vision of the development of the country. The Group encourages these efforts.

40. A lot has to be done to regain the confidence of the population in the capacity of the Haitian State apparatus to solve their problems, particularly in the provinces, and to put an end to the feeling that no institutional power controls the situation on the ground. The appointment of two vice-ministers in charge of rural affairs, human rights and the fight against extreme poverty demonstrates a willingness to tackle social exclusion and to assert the role of the State in that regard. Civil society groups, which have had the tendency to split into small structures, should also be assisted through capacity-building activities. Efforts by the Haitian authorities and development partners, such as UNDP, to train civil society groups and involve them in disaster preparedness are welcome developments in that context.

41. The United Nations presence on the ground plays a valuable role in involving communities in development processes. For example, by working with local communities in the school feeding programme, WFP has acted as a catalyst to give market access to small farmers. MINUSTAH, through its presence in the whole country, has also played an important role in providing and facilitating support locally, as the Group witnessed in the north of the country. The Group therefore reiterates the need to ensure that any changes to the size and mandate of MINUSTAH should be compensated by a stronger presence of United Nations and other development actors in the provinces concerned.

## IV. Rule of law as a component of and a condition for development support

42. The rule of law is one of the five priorities set by the President and Prime Minister. Given the recent history of Haiti, marked by political instability and its impact on the delivery of development support, the question of the rule of law has become closely associated with the discussion on international assistance.

### Long-awaited end of the institutional deadlock

43. A prerequisite for respect for the rule of law is the productive interaction between the three powers. The ratification by both Chambers of the Prime Minister a week before the visit of the Group testifies to the improved relations between the executive and the legislative branches of government. Both the President and parliamentarians have stated to the Group their willingness to work together to improve the living conditions of the Haitian population. Their capacity to act on promises and to deliver results will be tested in the months to come. While the

capacity of the Government to develop and implement public policies will be scrutinized, the Parliament will also be expected to take action on a higher number of legislative projects than it has been doing until now (10 to 12 a year). A parliamentarian with whom the Group met called for the adoption of a political stability compact so as to sustain these efforts. In addition, it should be kept in mind that in a constitutional system organized around a bicameral legislative power and a bicephalous executive, the functioning of institutions also depends on the relations within each power, namely between the Senate and the lower Chamber and between the President and the Prime Minister.

44. When he met the Group at the end of May, the President announced that he was about to publish the constitutional amendments that had been on hold for a year. On 19 June 2012, at a ceremony at the National Palace, in the presence of the Presidents of the National Assembly, the Senate and the Supreme Court, Mr. Martelly cancelled a former presidential decree and sent instructions to the national press to publish the Constitution of Haiti as amended on 9 May 2011.

45. This decision has major effects on rule of law institutions in Haiti. The publication allows for the establishment of a permanent electoral council that will replace the provisional council whose performance was repeatedly criticized. The President told the Group that municipal and partial legislative elections would be organized in a timely manner, possibly in November. The Group is aware that these elections are technically very complicated since more than 30,000 candidates will be running for different types of functions within local and municipal councils, as well as mayors and senators. A mobilization of all relevant actors is therefore needed to ensure adequate preparations for elections.

46. The Group also notes that the amended Constitution no longer requires ratification of the designated Prime Minister by the Parliament, which will allow the executive branch more flexibility and could help to avoid delays and institutional deadlocks in the future.

**Progress on judicial institutions**

47. The constitutional amendments also enable the establishment of a Constitutional Council which will ensure that in the future laws are in conformity with the fundamental charter of the nation. Of utmost importance for the adequate functioning and independence of the judiciary, the Superior Council of Judicial Power will be inaugurated as soon as its members have been vetted by the Ministry of Justice and Public Security. In October 2011, Mr. Martelly appointed the President of the Supreme Court, after years of that post being vacant, who will act as the Chair of the Superior Council. Four new judges were also sworn into the Court, which, once the last remaining vacancy is filled, will recommence having sittings and playing an active role in the judicial system.

48. The Group applauds the decisions taken to ensure the functioning of key rule of law institutions. This is particularly welcome after the series of appointments and resignations of Ministers of Justice and Chief Public Prosecutors in Port-au-Prince over the past six months, which have weakened the justice sector. The Group is also aware of the fact that proper functioning of these bodies, in particular the Superior Council of Judicial Power, requires effective administrative and secretariat support. It therefore calls on the Haitian authorities, supported by international partners, as appropriate, to provide them with adequate financial and material resources.

49. When visiting the prison in Cap-Haïtian, where 70 per cent of inmates are pretrial detainees (a figure in line with the national average), the Group witnessed the challenges of managing law enforcement institutions in Haiti and coping with basic humanitarian needs, such as water provision. While this aspect of the rule of law is often forgotten by development partners, it is an essential element of the penal system which deserves attention equal to that given to judicial institutions. The Group commends MINUSTAH for the support provided to the prison system throughout the country and calls on other development actors to consider supporting it as well. It also encourages MINUSTAH and UNDP to deepen their cooperation for support to the justice sector.

50. The rule of law does not relate only to criminal justice matters. Reform of civil law is also essential. In this regard, the Group reiterates its call to establish a land registration system to strengthen security of tenure. This is all the more important as the progressive closure of camps for displaced persons in Port-au-Prince calls for the status of land occupation prior to the earthquake to be determined.

51. In addition, as Haiti aims to attract investors, the adoption of relevant legislation on the facilitation of investment and conciliation mechanisms, which may already exist but are largely underutilized at present, should be promoted as part of efforts related to the rule of law. It is also noted that the long-awaited recognition in the amended Constitution of dual nationality will probably increase investment by Haitians from the diaspora and will therefore call for improved business practices.

**Strengthening the Haitian National Police**

52. The Group visited the Police Academy and met its director, other senior staff and United Nation police officials posted at the Academy, and was informed of the encouraging prospects for the development of the Haitian National Police. According to the development plan for 2012-2016, the Haitian National Police should reach 15,000 officers by the end of the period, which requires the recruitment and training of 1,200 officers per year.

53. To cope with the rapid development of the institution, proper funding is a priority for all Haitian National Police branches, including procurement of firearms and ammunition, training, forensic laboratory facilities and medical facilities for the clearance of National Police candidates. The continued support of MINUSTAH and bilateral partners is of utmost importance so as to keep up the pace of recruitment and deployment and to develop training for police inspectors and commissioners.

54. Senior Haitian National Police authorities stated that, while the conditions of work were sometimes difficult, morale was high. They said that so-called paramilitary groups, which were often infiltrated by common criminals and which had taken over some public spaces in town during the first part of the year, were not likely to create trouble in the police. The institution remained strong, so long as it could count on the support of its partners. However, additional coastal and border security forces were needed to deal with the numerous trafficking networks in the region.

55. They also stated that in a country where institutions were often weak and undersized, the Haitian National Police had grown to a respectable size and was engaged in a very encouraging consolidation and expansion, thanks to close

collaboration with the country's partners. It was now a matter of maintaining that situation and concentrating on implementing the plan for the period 2012-2016.

## V. Conclusions and recommendations

56. **Two years after the devastating earthquake, Haiti has come a long way. Obvious progress has been made in removing debris, rebuilding houses and relocating displaced people. In a difficult environment, marked by recurrent natural disasters, the outbreak of cholera and a shortage of international assistance due to the world economic and financial crisis, the people of Haiti have shown their capacity to bring solutions to acute problems. The international community has played an important role in supporting the country in these endeavours. At the political level, Haiti has a functioning Government and the President has taken important decisions to improve the institutional apparatus and allow for the rule of law to take root.**

57. **All these positive steps are necessary conditions for the situation to improve in the long term. However, they will not be sufficient if additional and sustained efforts are not made by all Haitian actors, supported by their international partners. Haiti may be in the process of normalization, but the weakness of public institutions, widespread poverty, multiple vulnerabilities and a long history of political instability advocate for Haiti to remain high on the international agenda, with appropriate levels of support. Decreasing assistance to Haiti at this stage would jeopardize the gains that have been recently made.**

58. **A strong United Nations presence on the ground, in the form of MINUSTAH and the United Nations country team, remains essential, with a gradual transfer of competencies from one to the other. The United Nations system is also expected to play a leading role in encouraging all partners to support the Government's development plans and priorities. At the intergovernmental level, the involvement of the Peacebuilding Commission in the situation in Haiti could be considered with a view to assessing its added value for existing mechanisms and mandates.**

59. **For ease of reference, some recommendations contained in the body of the report are summarized below for consideration by the Council.**

60. **To sustain the recovery and reconstruction of Haiti and engage in long-term development, the Group encourages Haiti's development partners to:**

(a) **Renew their commitment to the pledges made at the international donors conference held in New York in March 2010, accelerate disbursements in line with commitments made at the conference and mobilize new funds;**

(b) **Urgently respond to the call to fund the multi-year revision of the consolidated humanitarian appeal for 2012, particularly in priority areas such as the Water, Sanitation and Hygiene for All initiative, camp management and shelter clusters, as well as the activities of WFP until the end of the year and beyond;**

**(c) Use the strategic plan for the development of Haiti developed by the Ministry of Planning and External Cooperation of Haiti as the framework for donor support;**

**(d) Engage in the new donor architecture for aid effectiveness to Haiti, including through empowering Haitian ministries to pilot the work of sectoral round tables;**

**(e) Share data in a timely and accurate manner with the aid tracking system set up by the Ministry of Planning with support from UNDP;**

**(f) Ensure that a certain percentage of projects and related funding is directly implemented by the Haitian authorities, with a commensurate level of support provided for capacity-building through the training and mentoring of civil servants, and with direct budgetary support and/or funding channelled through government systems;**

**(g) Provide support to the Parliament to help it perform its budgetary, legislative, oversight and other tasks adequately, including as these relate to aid effectiveness in Haiti;**

**(h) Provide appropriate support to the preparations of the forthcoming local, municipal and partial legislative elections.**

61. **In particular, the United Nations system is called upon to:**

**(a) Play a leading role in providing technical support, through the United Nations country team, in particular UNDP, to make aid coordination mechanisms operational;**

**(b) Provide the necessary means to the Resident Coordinator structures to ensure collaboration and integration of activities among United Nations entities, and to plan for the possible handing over of some activities carried out by MINUSTAH to the United Nations country team, including in the provinces;**

**(c) Ensure appropriate back-up by United Nations agencies, funds and programmes to their offices in Haiti to allow for activities in the provinces to be expanded and to further engage with the Haitian private sector;**

**(d) Develop a consolidation plan and a road map for a phased transfer of tasks from United Nations and other international actors to State institutions, beginning in low-risk departments;**

**(e) Associate and train civil society groups in technical assistance activities, such as those carried out for disaster preparedness, in order to make them real agents of change and development.**

62. **The Group also wishes to draw the attention of the Haitian authorities to the need to:**

**(a) Develop tools to monitor and evaluate large-scale Government programmes, such as the President's education programme, in order to steer efforts and ensure accountability;**

**(b) Continue to pursue legislative reform that will further improve the status of women and monitor the effects of recent progress made in that direction;**

**(c) Launch a process of reform of public administration aimed at making it more efficient and capable of making a difference to the benefit of the population, including through decentralization, and to seek support from development partners for these efforts;**

**(d) Take administrative, fiscal and other measures without delay to convince the private sector and foreign investors that Haiti is open for business and willing to create an enabling environment for business expansion and entrepreneurship; this also implies anti-corruption measures and a land reform process that will secure land tenure;**

**(e) Engage in a dialogue between the Government and the Parliament with regard to the rapid appointment of members of key rule of law institutions and jurisdictions, such as the Constitutional Court, the Permanent Electoral Council and the High Judicial Council in order to make these bodies operational without delay;**

**(f) Provide these institutions with the administrative and financial means to allow them to perform their tasks adequately and provide for effective independence of the judiciary;**

**(g) Give a high level of priority to the implementation of the development plan of the Haitian National Police for the period 2012-2016 and continue to seek support from development partners for this plan.**

# Annex

## Programme of the visit of the Ad Hoc Advisory Group to Haiti, 21-24 May 2012

**Monday, 24 May**

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| 13:15 | Arrival at Toussaint Louverture International Airport |
| 14:15 | Briefing by Mr. Mariano Fernández, Special Representative of the Secretary-General and Head of MINUSTAH |
| 15:00 | Briefing by Mr. Nigel Fisher, Deputy Special Representative of the Secretary-General, Resident Coordinator and Humanitarian Coordinator in Haiti |
| 15:30 | United Nations country team exhibition |
| 19:00 | Dinner hosted by the Special Representative of the Secretary-General |

**Tuesday, 25 May**

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| 6:30 | Visit to North and North-western Departments (by helicopter)<br>• Visit to CODEVI Industrial Park at Ouanaminthe<br>• Visit to the United Nations country team at Cap-Haïtien<br>• Visit to prison in Cap-Haïtien<br>• Meeting with Louis Kebreau, Archbishop of Cap-Haïtien |
| 19:00 | Dinner with group of 12 representatives |

**Wednesday, 26 May**

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| 8:00 | Visit to Project 16/6 at Champs de Mars (internally displaced persons camp) |
| 10:00 | Briefing by representatives of the Ministry of Planning and External Cooperation and UNDP on the new aid coordination architecture |
| 11:00 | Meeting with Ms. Josepha Raymond Gauthier, Minister of Planning and External Cooperation |
| 12:00 | Working lunch with Ms. Sandra Beauville, Chair of the Presidential Commission of Investment and President of the Chamber of Commerce, and Ms. Jessica Faieta, Senior Country Director, UNDP |
| 14:00 | Meeting with President Michel Martelly, Ms. Marie Carmelle Jean-Marie, Minister of Economy and Finance, Ms. Josepha Raymond Gauthier, Minister of Planning and External Cooperation, and Mr. Wilson Laleau, Minister of Trade and Industry as well as advisers to the President |
| 16:30 | Meeting with parliamentarians |

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| 19:00 | Reception hosted by Deputy Special Representative Fisher with civil society representatives |

**Thursday, 27 May**

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| 8:00 | Visit to the Police Academy |
| 9:30 | Meeting on the rule of law with MINUSTAH and the United Nations country team |
| 11:00 | Press conference |
| 12:15 | Debriefing with Special Representative Fernández and Deputy Special Representative Fisher |
| 14:30 | Departure to New York |